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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,311	02/10/2004	Edward C. Snible	YOR920030567US1	1513
35526	7590	05/02/2007	EXAMINER	
DUKE W. YEE			LEWIS, CHERYL RENE A	
YEE & ASSOCIATES, P.C.				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2167	
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			05/02/2007	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/775,311

Applicant(s)

SNIBLE ET AL.

Examiner

Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This office action is in response to the applicants' amendment received on February 15, 2007.
2. Claims 1-47 are presented for examination.
3. The applicants have amended claims 1, 2, 5, 7-9, 11, 12, 16, 17, 19, 25, 27, 28, 30, 31, 34, 37, 39-41, 43, and 47 in the amendment received on February 15, 2007. The applicants have not cancelled any claims.
4. Applicants' arguments with respect to claims 1-47 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ortiz et al., (Publication No.: 2003/0163710 A1 filed December 17, 2002, hereinafter Ortiz).
7. Regarding Claim 1, Ortiz teaches random biometric authentication utilizing unique biometric signatures.

The method and associated system for random biometric authentication utilizing unique biometric signatures as taught or suggested by Ortiz includes:

providing at least a first physical token (§0067, figure 1, element 44, 'Biometric broker'), the first physical token includes at least one visible characteristic (§0074, 'This biometric attribute can be any type of biometric measurement of user 33. This includes, but is not limited to, fingerprint data, retinal scan data, handwriting data, voice data (e.g., a voice print), and facial data (e.g., a face scan).'), the first physical token has role information (§0076, "Thus, biometric authentication can be based on a variety of possible biometric measurements. A user profile 82 of a particular user will thus include one or more of the aforementioned biometric attributes. Such biometric attributes are utilized to verify the identity of the user.") associated therewith, at least one visible characteristic (§0101, "During another authentication session, the same user can be required to provide a left index fingerprint...") is indicative of at least a first role (§0101, i.e. "authentication session", §0102, i.e., "biometric attributes from the user profile") associated with the first physical token (§0100, i.e., elements 202 'user interface, 208 'iris scanner', 206 'finger print scanner', etc.); placing the first physical token in a physical relationship with a first computing device (§0061-0062 and 0067); associating the first computing device with the first physical token (§0061-0062 and 0067); receiving, the first computing device, role information from the first physical token and responsive to the role information being received (§0061-0062 and 0067-0071), assigning the first role to the first computing device based on the role information (§0061-0062 and 0067-0071).

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8. Regarding Claims 2-4, the limitations of these claims have been noted in the rejections presented above. In addition, Ortiz teaches a communications adapter (¶0072), a wired communications adapter (¶0072), and a universal serial bus adapter (¶0072).
9. Regarding Claim 5, 7-9, 14-47, although the wording of the claim limitations presented in claims 5, 7-9, and 14-47 are similar to the wording of claims 1-4 presented in the above rejections, the limitations of these claims have been noted in the rejections above. They are therefore rejected as set forth above.
10. Regarding Claim 6, Ortiz teaches at least one visible characteristic includes visible markings (¶0074).
11. Regarding Claim 10, Ortiz teaches a computer shelving unit (figure 1).
12. Regarding Claim 11, Ortiz teaches the first physical token includes identifying a role of the second computing system (¶0061-0062 and 0067-0071).
13. Regarding Claim 13, Ortiz teaches markup language (¶0065).

**NAME OF CONTACT**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
April 26, 2007